18. The Law Ministers also emphasised that care should be taken to tnsure that only persons who have, among other things, requisite ability to handle cases, proper personal conduct and ethical behaviour, firmness and fearlessness were appointed as members of tribunals,

19. The Law Ministers were also of the opinion that disputes between Government and public sector undertakings and one public sector under, taking and another public sector undertaking ought not to go to court-, or tribunals and that suca disputes should be settled between the par. ties amicably.

20. The Law Ministers also considered that the selection committee constituted for making recommendations for appoitment of members of tribunals should be headed by the Chief Justice of India or his nominee at the Central level, and by the Chief Justice of the concerned High Court or his nominee at the State level, and that such a selection committee should be a standing body.

21. The Law Ministers also considered that the administrative control over all tribunals at both central and state levels should be entrusted to a single Ministry/Department.

22. The Law Ministers were also of the opinion that orders passed by administrative bodies should invariably be speaking orders so that tribunals could appreciate what actually %veighed with the authorities in taking their decisions.

2ft. The Law Ministers expressed their deep appreciation to the Government Of West Bengal for inviting them to hold the present plenary meeting in Ca^cutta and making all efforts to make it successful.

Calcutta

17 November, 1994

Vacancies of Judges and pending cases in Gujarat and Maharashtra HCs

406. SHRIMATI CHANDRIKA AB-HiNANDAN JAIN; Will the PRIME MINISTER be pleased to state:

(a) how many vacancies of Judges are there in Gujarat and Maharashtra High Courts respectively, as on date;

(b) how many cases are lying pending in the above courts for judgement and hearing;

(c) what measures are being taken to appoint Judges to fill up the vacancies and whether any more Judges

;■ required to deal with the pending cases; and

(d) the reasons for inordinate de lay in appointing Judges and disposal of caees?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE ANDI COMPANY AFFAIRS (SHRI H. R. BHARDWAJ): (a) As on 5.12.94 there were 5 vacancies olf permanent Judges and 9 vacancies of Additional Judges against the sanctioned strengh i ' 4(2 permanent Judges and 12 Additional Judges of the Bombay High Court. Similarly, there were 4 vacan-of Additional Judges against the sanctioned strength of 23 permanent Judges and 7 Additional Jud-of the Gujarat High Court as on 5.12.94.

(b) As on 30.6.94, there were 1,96,790 and 99;501 cases pending in the Bombay and Gujarat High Court respectively

(c) and (d) The pendency otf cases in High Courts is due to several complex factors. It has been decided to create six new posts of Addition al Judges in the Bombay High Court and six new posts of permannent/Additionai Judges in the Guja rat High Court over and above their

sanctioned strength to expedite disposal of cases. The process of consultation among the wmcerned Constitu-l authorities for iiliing up the ;ing as well as new vacant posts is on.

Recommendations of the Eleventh Law Commission

407. SHRI ISH DUTT YADAV; Will the PRIME MINISTER be pleased to state:

(a) what are the recommendations of the Eleventh I nmission I the increase in the strength of the judiciary; and

(b) the extent to which these re-romnK ndations have been accepted by Government to bring a reform in the Indian judicial system?

E MINISTF.it Of STATE I THE MINISTRY OF LAW, JU5TK AND COMPANY AFFAIRS (SHfl H. R, BHARDWAJ). (a) and Ob) The Eleventh Law Commission in its 120th Report had, inter alia recommended that the present strength of 10.5 Judges per million population be increased to 50 Judges P°r million population. With regard to the strengtn of Judges in High Courts, among other factors, institution and pendency of cases are more relevant than the basis of population only. The recommendation, therefore, has not been found acceptable. In so far as the matter relating to Suboidinate Judiciary is concerned, their strength is determined bv the Sf,nte Governments in consultation with their respective High Courts. Copies of the ±JAW Commission's Report have already been forwarded to all the State Gov ernments

Inclusion of foreigners in voters lists

408. SHRI GOVINDRAO ADIK: Will the PRIME MINISTER be pleased to state;

(a) whether any decision has been taken by Government on the complaints received from the State Governments regarding inclusion of names of foreigner* in the voters lists:

lb) if so, the details ihereof;

(c) if not, the reasons for delay; and

(d) by when action is likely to be taken by Government in this regard?

THE MINISli.ll OF oiATE LN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ): (a) Under law only Indian citizens are entitled to be included in the eiectrcal rolls. The complaints regarding inclusion of names of foreigners in the electoral rolls tire, however, neithe; required to be made to the Central Government nor is at competent to take any action in the matter a,.; the superintendence, direction and control of the preparation of eieeio.i'ai ioiis in vested in the Election Commission.

(b) (n (d) Do not arise.

Law *tu* protection women

409, SHRI OovtNDUAO ADIK: iii the PRIME MINISTER be pleased to state:

(a) whether Government's atten tion has been drawn to the news item that appeared i,i the Times of India dated 18th October, 1994 under the heading "Supreme Court for law to protect women married to NRIs" re garding protection ol xights of women married to foreigners including non resident Indian;

(b) if so, the reaction of Government thereon alongwith their views f_0r en acting a law such as the British Gov ernment's Foreign Judgements (Reci-
I pi'ocai Enforcement) Act, 1993. The Indian and Colonial Divorce Jurisdiction Act of 1940 which safeguards the interest of the UK citizens; and

(c) if so, by when such a law is ex pected to be enacted?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ): (a) Yes, Sir.

(b) and (c) Government have care, **fullv ronsidflrAd +Via «m~~—*!~- —■**